

## **BILL ANALYSIS**

H.B. 1202  
By: Collier  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Individuals who are unable to afford a large upfront investment to purchase furniture or essential home appliances may choose to obtain such items under a lease purchase agreement. While these lease purchase agreements are contracts, a consumer who defaults or misses a payment may be prosecuted for theft of service, which carries criminal penalties, including incarceration. Such prosecution may be pursued even in the event the items are stolen. H.B. 1202 seeks to address this issue by revising the conduct that constitutes theft of service.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1202 amends the Penal Code to exclude from the written rental agreements to which the offense for theft of service involving holding personal property under such an agreement beyond the expiration of the rental period applies an agreement that:

- permits an individual to use personal property for personal, family, or household purposes for an initial rental period;
- is automatically renewable with each payment after the initial rental period; and
- permits the individual to become the owner of the property.

### **EFFECTIVE DATE**

September 1, 2019.